

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

05 CR 10199 RWZ

UNITED STATES OF AMERICA

) Criminal Number:

)

) Violation:

)

v.

) 21 U.S.C. § 846 -

) Conspiracy to Possess with

) Intent to Distribute and

) to Distribute

1. PASCUAL JOSEPH-GUERRIER,

) Heroin

)

) 21 U.S.C. §841(a)(i) -

) Distribution of Heroin

Defendant.

)

INDICTMENT

COUNT ONE: (Title 21, United States Code, Section 846 --
Conspiracy to Possess With Intent to Distribute
and to Distribute Heroin)

The Grand Jury charges that:

From a date unknown, but no later than on or about August 2,
2004, to on or about September 17, 2004, at Lawrence, and
elsewhere in the District of Massachusetts,

1. PASCUAL JOSEPH-GUERRIER

defendant herein, did knowingly and intentionally combine,
conspire, confederate, and agree, with persons unknown to the
Grand Jury, to possess with intent to distribute, and to
distribute, heroin, a Schedule I controlled substance, in
violation of Title 21, United States Code, Section 841(a)(1).

It is further alleged that the conspiracy charged in Count
One involved at least 100 grams of heroin, a Schedule I

controlled substance. Accordingly, 21 U.S.C. §841(b)(1)(B)(i) is applicable to this Count.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO: **21 U.S.C. § 841(a) (Possession of Heroin with
Intent to Distribute and Distribution of Heroin);
18 U.S.C. § 2 (Aiding and Abetting)**

The Grand Jury further charges that:

On or about August 3, 2004, at Lawrence, in the District of
Massachusetts, and elsewhere

1. PASCUAL JOSEPH-GUERRIER

defendant herein, did knowingly and intentionally possess with
intent to distribute, and did distribute, heroin, a Schedule I
controlled substance.

All in violation of Title 21, United States Code, Section
841(a)(1) and Title 18, United States Code, Section 2.

COUNT THREE: 21 U.S.C. § 841(a) (Possession of Heroin with Intent to Distribute and Distribution of Heroin); 18 U.S.C. § 2 (Aiding and Abetting)

The Grand Jury further charges that:

On or about August 20, 2004, at Lawrence, in the District of Massachusetts, and elsewhere,

1. PASCUAL JOSEPH-GUERRIER

defendant herein, did knowingly and intentionally possess with intent to distribute, and did distribute, heroin, a Schedule I controlled substance.

It is further alleged that the distribution charged in Count Three involved at least 100 grams of heroin, a Schedule I controlled substance. Accordingly, 21 U.S.C. §841(b)(1)(B)(i) is applicable to this Count.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

**COUNT FOUR: 21 U.S.C. § 841(a) (Possession of Heroin with
Intent to Distribute and Distribution of Heroin);
18 U.S.C. § 2 (Aiding and Abetting)**

The Grand Jury further charges that:

On or about September 17, 2004, at Lawrence, in the District
of Massachusetts, and elsewhere

1. PASCUAL JOSEPH-GUERRIER

defendant herein, did knowingly and intentionally possess with
intent to distribute, and did distribute, heroin, a Schedule I
controlled substance.

All in violation of Title 21, United States Code, Section
841(a)(1) and Title 18, United States Code, Section 2.

**COUNT FIVE: 21 U.S.C. § 841(a) (Possession of Heroin with
Intent to Distribute and Distribution of Heroin);
18 U.S.C. § 2 (Aiding and Abetting)**

The Grand Jury further charges that:

On or about March 9, 2005, at Lawrence, in the District of
Massachusetts, and elsewhere,

1. PASCUAL JOSEPH-GUERRIER

defendant herein, did knowingly and intentionally possess with
intent to distribute, and did distribute, heroin, a Schedule I
controlled substance.

All in violation of Title 21, United States Code, Section
841(a)(1) and Title 18, United States Code, Section 2.

CRIMINAL FORFEITURE ALLEGATION
(21 U.S.C. § 853)

The Grand Jury further charges that:

1. As a result of the offenses alleged in Counts One through Five,

1. PASCUAL JOSEPH-GUERRIER,

defendant herein, shall forfeit to the United States for its use and benefit any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the offenses, and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense.

2. If any of the forfeitable property described in paragraph 1 above, as a result of any act or omission of any defendant -

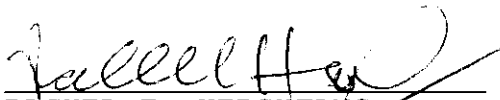
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property described in paragraph 1 of this paragraph.

All in violation of Title 21, United States Code, Section 853.

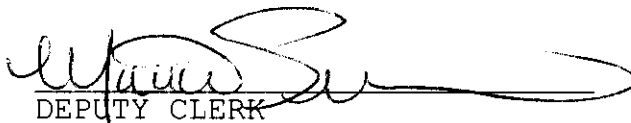
A TRUE BILL


FOREPERSON OF THE GRAND JURY


RACHEL E. HERSHFANG
Assistant U.S. Attorney

DISTRICT OF MASSACHUSETTS; August __, 2005.

Returned into the District Court by the Grand Jurors
and filed.


DEPUTY CLERK
8/4/05 2:07

05 CR 10199 RWZ**Criminal Case Cover Sheet****U.S. District Court - District of Massachusetts**Place of Offense: _____ Category No. II Investigating Agency DEACity Lawrence Related Case Information:County Essex Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New Defendant _____
Magistrate Judge Case Number 05-00437-RBC
Search Warrant Case Number _____
R 20/R 40 from District of _____**Defendant Information:**Defendant Name Pascual Joseph-Guerrier Juvenile ☐ Yes ☒ NoAlias Name Joseph Pascual Guerrier; PascualAddress 242 Haverhill Street, Apt. 10, Lawrence, MABirth date: 1969 SS#: _____ Sex: M Race: _____ Nationality: Spanish

Defense Counsel if known: _____ Address: _____

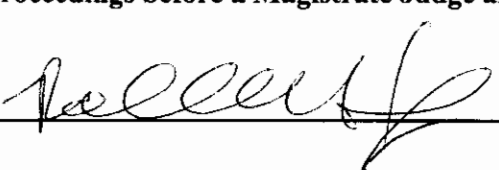
Bar Number: _____

U.S. Attorney Information:AUSA Rachel E. Hershfang Bar Number if applicable _____Interpreter: ☒ Yes ☐ No List language and/or dialect: SpanishMatter to be SEALED: ☐ Yes ☒ No☐ Warrant Requested ☐ Regular Process ☒ In Custody**Location Status:**

Arrest Date: _____

☒ Already in Federal Custody as 7/5/05 in _____☐ Already in State Custody _____ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by _____ on _____Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 5

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: August 4, 2005Signature of AUSA: 

05 CR 10199 RWZ

JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse

District Court Case Number (To be filled in by deputy _____)

Name of Defendant Pascual Joseph Guerrier

U.S.C. Citations

<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1 <u>21 USC § 846</u>	<u>Conspiracy to Possess With Intent to Distribute Heroin</u>	<u>1</u>
Set 2 <u>21 USC § 841</u>	<u>Possession With Intent to Distribute Heroin</u>	<u>2-5</u>
Set 3 _____	_____	_____
Set 4 _____	_____	_____
Set 5 _____	_____	_____
Set 6 _____	_____	_____
Set 7 _____	_____	_____
Set 8 _____	_____	_____
Set 9 _____	_____	_____
Set _____	_____	_____
Set _____	_____	_____
Set _____	_____	_____
Set _____	_____	_____
Set _____	_____	_____
Set _____	_____	_____

ADDITIONAL INFORMATION: _____